

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

MARCH 21, 2011

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

OPEN FORUM

Silver Pines Pump Station

Mr. Joseph DeMayo of 62 Alpine Way stated there have been some issues with this pump station and there doesn't seem to be any preventive maintenance. When he asked who owned the pump station, Mr. DeMayo was told that presently it was DAS Contracting although there had been discussion of turning it over to the town about a year ago. Something had happened to delay the transfer.

Mr. Zwolenski believed there were several issues such as electrical metering and the alarm system that needed to be addressed at the time and he was unsure if they had been.

Sewer Project

Mrs. Diane Wojcik, 7 Lincoln Drive, stated at the February 2, 2011 Town Council meeting there was a discussion about removing the cost of paving from the project. Councilman McGee was asked to meet with concerned residents. Although some residents met with Mr. McGee after the meeting there has been no communication since then.

Mr. McGee indicated he had met with Town Administrator Hamilton in

an effort to find some money. There is none but Mr. McGee is still trying to locate some funding.

REGULAR MEETING

The meeting was called to order at 7:02 P.M. and began with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Charest, Mr. McGee, Mr. Zwolenski and Mr. Yazbak. Town Administrator Hamilton and Assistant Town Solicitor William Savastano were also in attendance. Town Solicitor Nadeau was away.

CONSENT AGENDA

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the following items under the Consent Agenda: A.) Approval of minutes of February 22 and March 7, 2011; B.) Payment of monthly bills: General Fund - \$133,974.48 plus paid invoices of \$43,740.75; Sewer - \$135,554.68 plus paid invoices of \$76,397.66; Water - \$861.84 plus paid invoices of \$1,043.24; School Department Wire Transfer - \$1,482,400.00; and Fire Department Wire Transfer - \$195,146.67 for a total of \$2,069,119.32; C.) Budget Committee minutes of February 17 and 24 & March 3, 10 and 14, 2011; D.) Conservation Commission minutes of February 8, 2011; E.) Historic District Commission minutes of February 23, 2011; F.) Zoning Board minutes of January 25, 2011; G.) Resignation of Bruce Waterson from the Economic Development Commission; H.) Resignation of Bruce Waterson from the Redevelopment Agency; I.)

Resignation of Joseph Murray from the Personnel Board; J.) Animal Control monthly report for February 2011; and K.) Resolutions/Request for Bill Support from Towns of Burrillville and Charlestown.

NIXON PEABODY INVOICE

Mr. Yazbak explained this invoice evidently was for work not requested of Nixon Peabody.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to deny the invoice of Nixon Peabody in the amount of \$799.87.

HIGH SCHOOL EMERGENCY GENERATOR AND EMERGENCY SHELTER

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move this item up on the agenda.

Superintendent of Schools Stephen Lindberg explained that the generator did not start recently due to a power outage at the high school. The generator is 46 years old and parts are no longer obtainable. Mr. Lindberg has been seeking assistance to replace it for the last two years while maintaining it as best as they can. Subsequently the high school, which is the designated emergency shelter for the community, is no longer reliable. Mr. Lindberg suggested designating the middle school as the emergency shelter

for a short time with the understanding that drinking water would need to be provided and port-a-johns sought in an emergency situation because it

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is the high school emergency generator that is tied into the well water pumps that supply all water for both the high school and the middle school.

Mr. Lindberg will develop bid specifications for a replacement generator.

Mr. Zwolenski mentioned that the National Guard may have generators on hand should an emergency occur.

SEWER CONNECTION AT KENDALL-DEAN SCHOOL

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move this item up next on the agenda.

Mr. Lindberg explained that the sewer tie-in at Kendall-Dean must occur before June 30, 2011 or substantial cost savings will be lost by the school department and the town. He is seeking permission to proceed with confirming the drainlayer's installation cost and schedule the work to be completed before June 30th. Mr. Lindberg provided an estimated cost of \$7,700.00.

Mr. Yazbak questioned if there might be any available monies in the enterprise fund and Finance Director Brian Silvia believes there is.

WE THE PEOPLE GROUP

MOTION by Ms. Alves, seconded by Mr. Zwolenski and Mrs. Charest, and voted unanimously on an aye vote to move this item up next on the agenda.

Teacher Natalie O'Brien explained that once again her honors American Government students have won the state We the People competition and will now move on to represent the state in Washington D.C. Mrs. O'Brien commented that although some funding is received for winning the competition, the students and their families are responsible for raising approximately \$15,000.00. She asked if the Council could possibly assist with a donation.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to appropriate \$1,501.00 for the We the People group.

TELECOMMUNICATIONS TOWER

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to move this item up on the agenda.

Town Planner Robert Ericson drew up a Request for Proposal for sites at the high school and on Plat 16, Lot 136 on Union Hill. Mr.

Ericson will ask Mr. Nadeau to review the proposal and once he receives approval, he will then send them out.

CITIZENS LEGISLATIVE COMMITTEE

MOTION by Mr. McGee, seconded by Mrs. Charest, and voted unanimously on an aye vote to move this item up on the agenda.

Mrs. Michelle Taylor, a member of the group, explained that this committee is a group of concerned citizens who are looking to establish a greater voice for the residents of North Smithfield at the State House. Membership is open to anyone whether or not they are affiliated with a political party. They expect to collaborate with the School Committee and the Town Council to identify key legislation.

Mrs. Taylor was hoping to have a web page set up to disburse information on upcoming legislation to the public. This would be strictly informational.

Mr. Savastano suggested that there be a disclaimer stating that neither the Council nor the School Committee are taking a position.

Mr. Lindberg offered a page on the School Department's website.

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PUBLIC HEARING RE: WIND TURBINE

In a memo to the Council, Mr. Ericson noted the PUC case on virtual net metering is dragging on and Statewide Planning will probably hold back its model ordinance recommendations until that case is settled.

MOTION by Mr. Zwolenski and seconded by Mrs. Charest to move the hearing to August 1, 2011.

Mr. Zwolenski withdrew his motion and Mrs. Charest withdrew her second.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to continue the hearing to August 1, 2011.

APPOINTMENTS TO ORDINANCE DEVELOPMENT COMMISSION

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to appoint Dr. James Brennan and Dr. Caroly Shumway. They would be the two appointments from the public.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to affirm the nominations of Paul Soares

from the Conservation Commission, Alfred Puccetti from the Economic Development Committee, Dr. Lucien Benoit from the Planning Board and William Juhr from the Zoning Board.

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to appoint Paul Zwolenski as the member from the Town Council.

1ST READING ORDINANCE AMENDMENT RE: DESIGNATION OF REDEVELOPMENT AREA

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously to accept the ordinance as presented for a first reading.

The second reading will be on April 4, 2011.

RESOLUTION RE: ONE-TIME EXEMPTION TO RIGL §44-5-2

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on a roll call vote to approve the following resolution: “Whereas, the Master Plan for a large 600,000+ square foot retail development known as “Dowling Village” was approved by the Planning Board of the Town of North Smithfield (the “Town”) on July 1, 2004; and Whereas, the Town was at that time reviewing certain proposals for school construction needed by the Town, including a proposal to plan, design and construct a new middle school; and Whereas, financing the proposed new middle school required the Town to issue a \$30,000,000 bond; and Whereas, the Town

determined to designate additional tax revenues derived from the Dowling Village project to offset the costs of financing said bond and, in part, in reliance upon said financing source, the Town's residents approved issuance of the bond in a special election on April 11, 2006; and Whereas, the Dowling Village project was delayed due to litigation brought against the Town and the Dowling Village developer, and then further delayed such that major construction was only started in 2010; and Whereas, the result of such delays in construction and the subsequent amendment of R.I.G.L. §44-5-2 by that act known as "3050" has deprived the Town of the funding source it anticipated when the middle school was planned and approved by the voters. It is RESOLVED by the Town Council of the Town of North Smithfield as follows: That each Representative to the Rhode Island House of Representatives and each Senator in the Rhode Island Senate whose district includes all or some portion of the Town of North Smithfield be requested to take all necessary actions to introduce and attain the passage of an act authorizing and allowing the Town of North Smithfield a one-time exemption to R.I.G.L. §44-5-2, which one-time exemption would authorize the Town to exceed the annual growth cap allowed with regard to the Town's tax levy by an amount equal to the amount of new tax revenue received by the Town from the Dowling Village project in Fiscal Year 2012. That Town Administrator, Paulette D. Hamilton, is hereby authorized and directed to perform any and all acts necessary to facilitate action by the Rhode Island General Assembly to introduce and attain the passage of an act authorizing and allowing the Town of

North Smithfield to authorize the Town to exceed the annual growth cap allowed with regard to the Town's

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tax levy. The Town Administrator is hereby authorized to sign all documents necessary to carry out the Resolution set forth above."

WITHDRAWAL FROM DOWLING VILLAGE PURCHASE AND SALES AGREEMENT

Mr. Ericson learned that the actual cutoff date is later than what he and Mr. Nadeau had thought. The new date is May 15, 2011.

Since Mr. Nadeau was not present at tonight's meeting, MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to table this matter to April 4, 2011.

APPOINTMENT TO HISTORIC DISTRICT COMMISSION

Mr. Yazbak nominated Mr. Daniel Couture to the vacant position.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to appoint Daniel M. Couture to the Historic District Commission. This is a three-year term that will expire on December 1, 2012.

BUILDING INSPECTOR'S OPINION RE: USE OF MUNICIPAL

ANNEX/POLICE STATION

In a letter to the Council, Building Inspector Robert Benoit determined that this building is considered a mix use occupancy which consists of Town Offices and the Police Department, both of which provide a service to the general public. The State of Rhode Island Building Code “SBC-1”, 2010 version, does not specifically specify or define Business or Detention occupancy. However, the National Fire Protection Association, Section 101.23.1.1.1.4 does define “Detention Occupancy” which states it shall provide a sleeping facility for four or more persons. The police department holding area provides sleeping for only three occupants. Therefore, it is Mr. Benoit’s opinion that the police department holding area is not considered a detention facility. In addition, the 2009 edition of N.F.P.A. Section 6.1.11.1 “Definitions” Business Occupancy; City Halls, Town Halls and general offices are included in this occupancy group insofar as their principal function is the transaction of public business and the keeping of books and records. Mr. Benoit concluded that the Municipal Annex/Police Station building does comply with the Business occupancy definition as stated in N.F.P.A. Section 6.1.11.1.

Mr. Yazbak felt the next step would be to invite representatives from the Interlocal Risk Management Trust to a meeting to discuss this. If the police department holding area is not considered a detention area, the town would like to file an appeal with the fire board to ask for some type of variance. If the insurance company agrees to continue to insure the town if it can get a waiver, then installing a

sprinkler system in that area may be satisfactory to them.

FEBRUARY FINANCIAL STATEMENTS

Finance Director Brian Silvia reviewed the revenues and expenditures of the municipal and school budgets. Because of the overage in the Department of Public Works, Mr. Silvia is trying to cut in other departments to make up for it. It is expected that the Police Department will also exceed its budget.

STONE WALL ORDINANCE

Mr. Ericson stated the next step for this is to advertise for a public hearing because it is an amendment to the zoning ordinance.

Mr. Zwolenski asked Mr. Ericson if he might want to incorporate into the ordinance the fact that stone walls can help prevent soil erosion.

RECREATIONAL VEHICLES ORDINANCE

Mr. Ericson stated the Town Clerk could post this ordinance for a first reading.

Mr. McGee suggested holding a public hearing for this ordinance as well because he has had questions about it from some residents.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on an aye vote to authorize the Town Clerk to advertise public hearings on May 2, 2011 for both the stone wall ordinance and

the recreational vehicles ordinance.

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TRAFFIC SPEED SIGNS AT SCHOOL LOCATIONS

Mr. Zwolenski recently took a ride with resident Dennis Falardeau to observe Mr. Falardeau's concerns and Mr. Zwolenski also became concerned. It was Mr. Zwolenski's understanding that the State Traffic Safety Commission was going to be doing another study in April so he prepared a list of questions/concerns that he would like discussed with them.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to provide Mr. Zwolenski's questions to the Town Administrator in her capacity as the Public Safety Director to present to the State Traffic Safety Commission for its consideration.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adjourn at 8:39 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk